

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Applicant's or agent's file reference A30408 EC		Date of mailing (day/month/year) 11.01.2005
IMPORTANT NOTIFICATION		
International application No. PCT/FR 03/50081	International filing date (day/month/year) 07.10.2003	Priority date (day/month/year) 14.10.2002
Applicant ALSTOM (SWITZERLAND) LTD		



1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the International preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The Applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purpose of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/  <p>European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel. +31 70 340-2040 Tx: 31 651 epo nl Fax: +31 70 340-3016</p>	Authorized officer: <p>Ter Haar, H</p> <p>Tel. +31 70 340-3817</p> 
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PATENT COOPERATION TREATY



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or Agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR 03/50081	International filing date (day/month/year) 07.10.2003	Priority date (day/month/year) 14.10.2002
International Patent Classification (IPC) or national classification and IPC F23C10/10		
Applicant ALSTOM (SWITZERLAND) LTD		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets including this title page.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Instruction 607 of Administrative Instructions of the PCT).</p> <p>These annexes consist of a total of sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement according to Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 13.05.2004	Date of completion of this report 11.01.2005
Name and mailing address of the IPEA  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel. +31 70 340-2040 Tx: 31 651 epo nl Fax: +31 70 340-3016	Authorized officer: Coli, E Telephone No. +31 70 340-3802 

I. **Basis of the report**

1. This report has been drawn up on the basis of the following elements *(the replacement sheets received by the receiving office in response to an invitation according to Article 14 are considered in the present report as "originally filed" and are not annexed to the report as they contain no amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-25 as originally filed

Claims, No.:

1-35 as originally filed

Drawings, sheets:

1/26-26/26 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been written disregarding (some of) the amendments, which were considered as going beyond the description of the invention, as filed, as is indicated below (Rule 70.2(c)):

(All replacement sheets comprising amendments of this nature should be indicated in point 1 and attached to this report).

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes:	Claims	2-35
	No:	Claims	1
Inventive Step	Yes:	Claims	
	No:	Claims	2-35
Industrial Applicability	Yes:	Claims	1-35
	No:	Claims	

2. Citations and explanations

see separate sheet

Regarding Point V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following documents are referred to:
D1: EP-A-0 559 388 (FOSTER WHEELER ENERGY CORP) 8 September 1993
D2: US-A-5 471 955 (DIETZ DAVID H) 5 December 1995
D3: EP-A-0 481 438 (FOSTER WHEELER ENERGIA OY) 22 April 1992
2. The present application does not satisfy the conditions set out in PCT article 33(1), the subject matter of claim 1 not conforming to the novelty criterion defined in PCT article 33(2).
3. Document D1 (see Search Report) describes (the references in brackets apply to this document):
A circulating fluidized bed reactor comprising a reaction chamber (12) connected by an acceleration duct (54) to a centrifugal separator (14) for separating particles from hot gases coming from said reaction chamber (12) in which at least part (54a) of the acceleration duct (54) is inside the top of the reaction chamber (12) and the centrifugal separator (14) has walls which are, at least in the vertical direction, substantially rectilinear.
Thus the subject matter of claim 1 is not novel (PCT article 33(2)).
Although the present application would seem rather to be directed to a circulating fluidized bed reactor comprising a separator with substantially plane vertical walls, there is also disclosed in the present application a variant with rectilinear walls in only one direction (see page 19, lines 3-6 and figures 22 and 23). In fact, this is not excluded by the subject matter of claim 1.
4. The document D2 (cf. c. 3, l. 59-62; figs. 2, 3) also discloses all the features of claim 1.
5. The dependant claims 2-35 contain no feature that, combined with those of any of the claims to which they refer, defines subject matter that satisfies the requirements of the PCT in respect of novelty and/or inventive step, see documents D1-D3 and the corresponding passages cited in the search report.